

**REMARKS****Claims**

Claims 1-8 are currently pending in this application.

**35 USC §102 and § 103**

Claims 1, 2, 4-6 and 7 have been rejected under 35 USC §102(e) as being anticipated by Smith et al. (Smith), U.S. Patent No. 6,067,582; and claims 3 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Bakshi et al. (Bakshi), U.S. Patent No. 6,574,663. Applicants request reconsideration of the rejections for the following reasons.

As amended, claim 1 sets forth that the software required for the constituent element is software required for the operation of the constituent element, such as a driver, for example a display driver or printer driver, etc. Accordingly, claim 1 states that the software required for the operation of the constituent element is sent to the user's computer as determined from the stored system configuration information that corresponds to the accepted identification information. Claim 3 has been similarly amended to include that the first database is for storing information related to a constituent element of a computer system and the software required for operation of the constituent element, and further to state that the software required for operation of the constituent element which is indicated in the system configuration information, with reference to the first database, is sent to the user's computer system. Claims 4, 7 and 8 have also been amended to set forth that the software is that which is required for operation of a constituent element of a computer. As amended, each of the independent claims is patentable over Smith and the combination of Smith and Bakshi.

Smith discloses a method of distributing software that is distributed over a network. Clients are able to purchase and register the software, which is application software or other digital data. The software is distributed to a remote computer, however the software is not of the type that is required for operating a constituent element of the computer as claimed by Applicants. In Smith, the software that is distributed has an embedded agent module which enables communication with a remote server module within the server connected to the network. The server module communicates with the user who requests installation of the software, and, upon confirming requirements and complying with certain restrictions, installation of the software via the agent module is performed. In the present invention, however, there is no agent module. Further, Smith does not disclose the storing of information related to the operation of a constituent element of the computer, as claimed in the independent claims. Accordingly, Smith does not anticipate claims 1, 2, 4, 6 and 7 under 35 U.S.C. § 102(e), and therefore the rejection should be withdrawn.

Bakshi is relied upon for disclosing the claimed first and second databases. However, the reference is insufficient when combined with Smith to render the claimed invention of claims 3 and 8 unobvious. That is, Bakshi does not disclose means for associating a PC's identification information with the PC's device information. As a result, Bakshi fails to disclose the selecting of software information based on a PC's identification information. Therefore, claims 3 and 8 are patentable over the combination of Smith and Bakshi and the rejection should be withdrawn.

#### **New Claims**

Claims 9-16 have been added by Applicants to claim the method and system of the invention in which software that corresponds to system configuration information of a user's

computer is sent to a user's computer for installation. According to the invention, the user's computer system is connected to a server over a network and the server system may be operated by a vendor and have databases including a client database of the users, an order database managing user IDs and product IDs and the correspondence between these, a system configuration database and a hardware/software management database. For every product ID, the system configuration database manages the hardware elements constituting the computer system that corresponds to the product ID. The software elements required for the hardware elements are stored in the H/S management database which manages them by file name, as shown in Fig. 3. These software elements include, for example, the operating system of the computer system, the various device drivers and the various application software of the computer system.

The system configuration information of a user's computer system can be obtained from the inputted product ID because the information is stored in the database of the server. The system configuration information is useful when a user's computer system sends the product ID to the server system and subsequently downloads the software elements from the server system that are determined to correspond to the system configuration information stored in the database of the server. Then, installation processing of the downloaded software is executed on the user's computer system, as shown in Fig. 5.

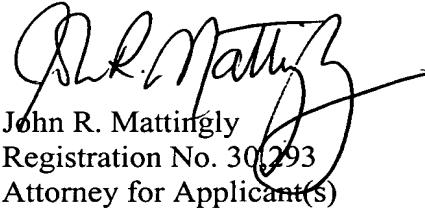
As a result, the computer system is able to automatically execute recovery software and install software downloaded from the server system. It is also possible to charge the user fees corresponding to the software that is sent and to manage the respective computer systems concerning which software has been sent to which computer system. Accordingly, the invention is applicable to recovering software that has a problem and also to updating

versions of the software in accordance with software updates and additional hardware that is added to a user's computer system. These aspects of the invention and the advantages provide thereby are not disclosed or suggested by the art of record, and therefore, new claims 9-16 are patentable over the art of record.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination is requested.

Respectfully submitted,



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